

ESTTA Tracking number: **ESTTA125056**

Filing date: **02/14/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Fresh Express Incorporated		
Entity	Corporation	Citizenship	Delaware
Address	P.O. Box 80599 Salinas, CA 93912 UNITED STATES		

Attorney information	E Lynn Perry Perry IP Group A Law Corporation 100 Drakes Landing Road Suite 100 Greenbrae, CA 94904 UNITED STATES lperry@perryip.com Phone:415-461-5800
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Registration Subject to Cancellation

Registration No	1758520	Registration date	03/16/1993
Registrant	Supreme Oil Company 80 South Dean Street Englewood, NJ 07631 UNITED STATES		
Goods/Services Subject to Cancellation	Class 029. First Use: 1950/01/01 , First Use In Commerce: 1950/01/01 Goods/Services: salad dressing, salad oils and mayonnaise		
	Class 030. First Use: 1950/01/01 , First Use In Commerce: 1950/01/01 Goods/Services: relish, tartar sauce, vinegars, spices, capers, condiments; namely, marinated mushrooms; mustards, rice and food flavorings		
Grounds for Cancellation	The registered mark has been abandoned.		

Attachments	Petition to Cancel.pdf (2 pages)(96289 bytes)
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Signature	/elp/
Name	E Lynn Perry
Date	02/14/2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

FRESH EXPRESS INCORPORATED,)	Cancellation No.:
)	
Opposer,)	
)	Reg. No. 1,758,520
v.)	Issued: March 16, 1993
)	Mark: SALAD BAR
SUPREME OIL COMPANY,)	
)	PETITION TO CANCEL
Respondent.)	
_____)	

FRESH EXPRESS INCORPORATED, a Delaware corporation having a place of business at P.O. Box 80599, Salinas, CA 93912, believes it will be damaged by continued registration of the mark SALAD BAR, Reg. No. 1,758,520, ("Registrant's Mark"), subject of the above-identified registration owned by SUPREME OIL COMPANY ("Registrant"), and hereby petitions to cancel the same. As the basis for this Petition to Cancel, Petitioner alleges:

1. Petitioner is the owner of the following intent-to-use application: SALAD BAR EXPRESS, Ser. No. 78/719,905, filed September 23, 2005 (the "Application").
2. According to the records of the United States Patent and Trademark Office, Registrant was issued Registrant's Mark on March 16, 1993, and the subject registration was renewed on June 4, 2003.
3. Registrant's Mark has been cited as a bar to registration of the Application.
4. On information and belief, Registrant is not using Registrant's Mark in the United States.
5. On information and belief, Registrant has abandoned Registrant's Mark in the United States.

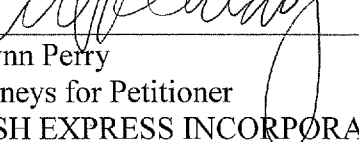
6. For the foregoing reasons, registration of Registrant's Mark is injurious and damaging to Petitioner within the meaning of Section 13 of the Trademark Act of 1946 (15 USC §1063(a)) and will result in injury and damage to Petitioner and its business.

WHEREFORE, Petitioner respectfully prays that this Petition to Cancel be sustained and that the Registration of Registrant's Mark be cancelled.

It is requested that all future communications in connection with this proceeding be addressed to the undersigned.

Respectfully submitted,

Dated: February 14, 2007

By: 
E. Lynn Perry
Attorneys for Petitioner
FRESH EXPRESS INCORPORATED

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Attorney Docket No. 4634-165-1